

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

David Johnson,	)	
individually and on behalf	)	
of all others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 16-CV-947-SRB
	)	
CoreCivic and	)	
	)	
Securus Technologies, Inc.,	)	
	)	
Defendants.	)	

**JOINT MOTION FOR A STAY OF ALL PROCEEDINGS  
AND INCORPORATED MEMORANDUM IN SUPPORT THEREOF**

In order to focus their efforts on a potential resolution, Plaintiff David Johnson, Defendant Securus Technologies, Inc., and Defendant CoreCivic, Inc. (collectively, the “Parties”) respectfully move this Court for a stay of all proceedings until March 17, 2020, at which time the Parties would provide a status report to the Court and, if a resolution is not forthcoming, submit a proposed revised schedule for the Court’s consideration.

**PRELIMINARY STATEMENT**

On December 3, 2019, Plaintiff and Defendant Securus Technologies Inc. conducted a mediation in Atlanta, Georgia with national mediator Hunter Hughes. While those parties were unable to reach an agreement at that time, they agreed to continue to discuss possible resolution potentially involving a global resolution between all Parties.

Subsequently, all Parties conducted a full-day mediation with Mr. Hughes on January 24, 2020. The Parties agreed to leave negotiations open, pending a mediator’s proposal, which the Parties expect to receive on or around February 21, 2020.

The Parties have met and conferred and, given pending deadlines, agree that all deadlines in this matter should be stayed for approximately thirty days, until March 17, 2020, to allow time to discuss the potential resolution of the matter. If, by that date, the Parties have been are unable to resolve the matter, the Parties would provide the Court with a status update regarding any ongoing negotiations or, if such negotiations have concluded, submit a revised proposed schedule for the Court's consideration.

For reasons of comity and judicial economy, as discussed more fully below, the Parties respectfully request that this Court stay discovery and all other proceedings in this matter until they can determine whether resolution is feasible.

### **ARGUMENT**

The determination to stay or proceed with this case rests within the sound discretion of this Court. *See, e.g., Falgoust v. Microsoft Corp.*, No. CIV.A.00-00779, 2000 WL 462919, at \*1 (E.D. La. Apr. 19, 2000) ("[C]ourts have inherent power to 'control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.'" (citation omitted)).

#### **I. A STAY OF THESE PROCEEDINGS WOULD PROMOTE COMITY AND JUDICIAL ECONOMY.**

Courts have determined that a stay of the action is appropriate if it serves the interests of judicial economy and efficiency. *Smith v. Mail Boxes, Etc. USA, Inc.*, 191 F. Supp. 2d 1155, 1157 (E.D. Cal. 2002) (citing cases). Proceeding with this case will result in the unnecessary consumption of judicial time and energy in, *inter alia*, discovery requests, motion practice, depositions, and monitoring discovery. *See, e.g., Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1361 (N.D. Cal. 1997) ("If this case is not stayed, preliminary proceedings would continue as required . . . and this Court would need to monitor discovery and approve

a case management plan in a potentially massive . . . action. Taking on such a task at this time would seem to unnecessarily consume judicial time and energy.")

## **II. A STAY WOULD BENEFIT THE PARTIES.**

Here, the Parties will benefit from a stay until such time as they can determine whether resolution of the matter is possible, and they will suffer no discernible prejudice by having this matter stayed to allow for review and consideration of the forthcoming mediator's proposal. Similarly, the Court's own interests will be served by a stay, as it will allow the Parties to more fully explore whether an efficient resolution of the proceedings is possible.

Accordingly, the Parties respectfully submit that the Court should stay these proceedings until March 17, 2020, at which point, the Parties will either submit a status report, or alternatively, a revised proposed schedule.

## **CONCLUSION**

In light of the foregoing, the Parties respectfully request a stay of these proceedings, until March 17, 2020 and for such further relief that this Court may deem just and equitable.

This the 14<sup>th</sup> Day of February, 2020.

Respectfully Submitted,

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